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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,190	01/31/2001	Robert E. Allen	AUS920010007US1	4500

7590 08/22/2006

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EXAMINER	
OYEBISI, OJO O	

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/773,190	ALLEN ET AL.	
	Examiner	Art Unit	
	OJO O. OYEBISI	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7,9-13,15-19,21-26 and 28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3, 4-7, 9-13, 15-19, 21-26, and 28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

In the amendment filed on 06/02/06, the following have occurred: claims 1, 13, 25, 26, and 28 have been amended, claims 2, 8, 14, 20, and 27 have been cancelled, claims 1, 3, 4-7, 9-13, 15-19, 21-26, and 28 remain pending, and the rejection under 35 USC 112, first paragraph has been withdrawn.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claims 1, 3-7, 9, 13, 15-19, 21, 25-26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al (Potter hereinafter: U.S. Patent 5,787,402) in view of Harrington (Harrington hereinafter, US PAT: 6,161,099).

Re claim 1: Potter discloses a method for processing electronic transactions, said method comprising: receiving input by a server terminal from a client device over a first communication port to initiate an electronic transaction (i.e., By inputting information in

response to prompts on the screen, the system quickly identifies the nature of the transaction the customer desires and the customer inputs the characteristics of the transaction the user desires. The system then automatically generates an offer in response to the customer's request based upon a number of parameters including the market price, the size and nature of the transaction and the size and nature of the client, see the abstract, also see col.6, lines 8-45); said electronic transaction requiring a subsequent communication of an occurrence of a subsequent event from said server terminal to said client device (i.e., The FX Order Server regularly receives and monitors FX rates received directly from the Rate Server, and updates the Order Blotter accordingly 732. In turn, the client PC, when receiving the updated Order Blotter information from the FX Order Server, gives an audio and visual warning when an order is 3% away (subsequent events) from a target FX rate and changes the color-code. The warning is repeated when an order is 1% away (subsequent events), see col. 14 lines 10-25), establishing a second communication port on said client device for directly coupling said server terminal to said client device (note, the step of establishing a communication port between a client and a server for a transaction i.e., to transmit data, and establishing another communication port (second communication port) for coupling server terminal to said client device to receive data can be implemented in any TCP/IP enabled full duplex data communication device, a full duplex transmission uses two communication channel (ports) so that devices on each end of the transmission can transmit and receive data at the same time, this is like two lane road i.e., travel is permitted in both directions, each direction of travel in a designated lane, Potter

operates in a TCP/IP enabled full duplex communication environment (see fig. 1), thus inherently very well satisfies this condition); and transferring said subsequent communication regarding said subsequent event from said server terminal to said client device (The FX Order Server regularly receives and monitors FX rates received directly from the Rate Server, and updates the Order Blotter accordingly 732. In turn, the client PC, when receiving the updated Order Blotter information from the FX Order Server, gives an audio and visual warning when an order is 3% away (subsequent events) from a target FX rate and changes the color-code. The warning is repeated when an order is 1% away (subsequent events), see col. 14 lines 10-25), detecting receipt of said transaction information by said client detecting receipt of said transaction information by said client device (i.e., audio and visual warning, see col.14, lines 10-25). Potter does not explicitly disclose said electronic transaction comprising an auction transaction wherein bids for an item being auctioned are sent by said client device and received by said server terminal, said server terminal being operable for: receiving bids for said item by said server terminal; determining when a previously received bid is no longer a winning bid; and sending notice that said previously received bid is no longer a winning bid, said notice comprising said transaction information sent over said second communication port, said client device being further operable for. However, Harrington discloses an electronic auction transaction method wherein bids for an item being auctioned are sent by said client device and received by said server terminal, said server terminal being operable for: receiving bids for said item by said server terminal; determining when a previously received bid is no longer a winning bid; and sending

notice that said previously received bid is no longer a winning bid (see Summary of The Invention), said notice comprising said transaction information sent over said second communication port (note, the step of establishing a communication port between a client and a server for a transaction i.e., to transmit data, and establishing another communication port (second communication port) for coupling server terminal to said client device to receive data can be implemented in any TCP/IP enabled full duplex data communication device, a full duplex transmission uses two communication channel (ports) so that devices on each end of the transmission can transmit and receive data at the same time, this is like two lane road i.e., travel is permitted in both directions, each direction of travel in a designated lane, Harrington operates in a TCP/IP enabled full duplex communication environment (see fig. 1), and thus very well satisfies this condition) Thus, it would have been obvious to one of ordinary skill in the art at time of the invention to send to the client device a bidding transaction information via a second communication port. Neither Harrington nor Potter explicitly discloses providing a client-selected audio effect upon detection of receipt of said transaction information through said second communication port. However, selecting characteristics of audio effect is old and well known in the art. Take for example, a cell phone or a pager, a cell phone user can customize his phone ringer (select characteristics) to trigger different audio effect/alert for different callers or different calls received. Thus, it would have been obvious to one of ordinary skill in the art at time of the invention to incorporate this well known scheme into the combination of Potter and Harrington, since Potter already discloses audio/visual signaling and warning (see col.14 lines 10-25), to select the

desired characteristics of audio effect to notify/warn the client of important changes in transaction information.

Re claim 13. Potter discloses a method for processing electronic transactions, said method comprising: a server terminal and a client device (see fig.1); and means arranged for selectively connecting said client device to said server terminal, said server terminal being selectively operable for: receiving input by a server terminal from a client device over a first communication port to initiate an electronic transaction (i.e., By inputting information in response to prompts on the screen, the system quickly identifies the nature of the transaction the customer desires and the customer inputs the characteristics of the transaction the user desires. The system then automatically generates an offer in response to the customer's request based upon a number of parameters including the market price, the size and nature of the transaction and the size and nature of the client, see the abstract, also see col.6, lines 8-45); said electronic transaction requiring a subsequent communication of an occurrence of a subsequent event from said server terminal to said client device (i.e., The FX Order Server regularly receives and monitors FX rates received directly from the Rate Server, and updates the Order Blotter accordingly 732. In turn, the client PC, when receiving the updated Order Blotter information from the FX Order Server, gives an audio and visual warning when an order is 3% away (subsequent events) from a target FX rate and changes the color-code. The warning is repeated when an order is 1% away (subsequent events), see col. 14 lines 10-25), establishing a second communication port on said client device for directly coupling said server terminal to said client device (note, the step of establishing

a communication port between a client and a server for a transaction i.e., to transmit data, and establishing another communication port (second communication port) for coupling server terminal to said client device to receive data can be implemented in any TCP/IP enabled full duplex data communication device, a full duplex transmission uses two communication channel (ports) so that devices on each end of the transmission can transmit and receive data at the same time, this is like two lane road i.e., travel is permitted in both directions, each direction of travel in a designated lane, Potter operates in a TCP/IP enabled full duplex communication environment (see fig. 1), thus inherently very well satisfies this condition); and transferring said subsequent communication regarding said subsequent event from said server terminal to said client device (The FX Order Server regularly receives and monitors FX rates received directly from the Rate Server, and updates the Order Blotter accordingly 732. In turn, the client PC, when receiving the updated Order Blotter information from the FX Order Server, gives an audio and visual warning when an order is 3% away (subsequent events) from a target FX rate and changes the color-code. The warning is repeated when an order is 1% away (subsequent events), see col. 14 lines 10-25), detecting receipt of said transaction information by said client detecting receipt of said transaction information by said client device (i.e., audio and visual warning, see col.14, lines 10-25). Potter does not explicitly disclose said electronic transaction comprising an auction transaction wherein bids for an item being auctioned are sent by said client device and received by said server terminal, said server terminal being operable for: receiving bids for said item by said server terminal; determining when a previously received bid is no longer a

winning bid; and sending notice that said previously received bid is no longer a winning bid, said notice comprising said transaction information sent over said second communication port, said client device being further operable for. However, Harrington discloses an electronic auction transaction method wherein bids for an item being auctioned are sent by said client device and received by said server terminal, said server terminal being operable for: receiving bids for said item by said server terminal; determining when a previously received bid is no longer a winning bid; and sending notice that said previously received bid is no longer a winning bid (see Summary of The Invention), said notice comprising said transaction information sent over said second communication port (note, the step of establishing a communication port between a client and a server for a transaction i.e., to transmit data, and establishing another communication port (second communication port) for coupling server terminal to said client device to receive data can be implemented in any TCP/IP enabled full duplex data communication device, a full duplex transmission uses two communication channel (ports) so that devices on each end of the transmission can transmit and receive data at the same time, this is like two lane road i.e., travel is permitted in both directions, each direction of travel in a designated lane, Harrington operates in a TCP/IP enabled full duplex communication environment (see fig. 1), and thus very well satisfies this condition) Thus, it would have been obvious to one of ordinary skill in the art at time of the invention to send to the client device a bidding transaction information via a second communication port. Neither Harrington nor Potter explicitly discloses providing a client-selected audio effect upon detection of receipt of said transaction information through

said second communication port. However, selecting characteristics of audio effect is old and well known in the art. Take for example, a cell phone or a pager, a cell phone user can customize his phone ringer (select characteristics) to trigger different audio effect/alert for different callers or different calls received. Thus, it would have been obvious to one of ordinary skill in the art at time of the invention to incorporate this well known scheme into the combination of Potter and Harrington, since Potter already discloses audio/visual signaling and warning (see col.14 lines 10-25), to select the desired characteristics of audio effect to notify/warn the client of important changes in transaction information.

Re claims 3-6, and 15-18: Potter further discloses a method wherein said audio effect comprises an alert signal effective to alert a client that said transaction information has been received (col .14, lines 14-25), said client device further including client input means arranged for enabling a client to select specific date and time for receiving audio warnings (i.e., client can specify specific date and time for receiving a GUC reminder from the client PC, see col. 13, lines 1-10). Potter does not explicitly disclose the limitation "select characteristics of audio effect." However, selecting characteristics of audio effect is old and well known in the art. Take for example, a cell phone or a pager, a cell phone user can customize his phone ringer (select characteristics) to trigger different audio effect/alert for different callers or different calls received. Thus, it would have been obvious to one of ordinary skill in the art at time of the invention to incorporate this well known scheme in Potter to select the desired characteristics of audio effect to notify/warn the client of important changes in transaction information.

Re claims 7, 19: Potter further teaches the method wherein said electronic transaction comprises a purchase of an item by a client using said client device (see abstract).

Re claims 9 and 21: Potter further discloses the method wherein said client device is a computer system connected to said server terminal (see fig.1, see abstract, and also see col. 6, lines 40-45).

Re claim 25, 26, 28: claims 25, 26, 28 recite similar limitations to claim 13 above and are therefore rejected using the same art and rationale as applied in the rejection of claim 13.

3. **Claims 10-12, 22-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter in view of Harrington, as applied to claims 1 and 13 supra, and further in view of Davis (U.S. Patent 6,041,314).

Re claims 10-12, and 22-24. Neither Potter nor Harrington discloses the method wherein said client device is a wireless device, cellular device, and a portable device. However, Davis makes this disclosure (see col.3, lines 15-29, see col.19, lines 17-20, also see col.3, lines 15-29). Thus it would have been obvious to one of ordinary skill in the art to combine potter, Harrington and Davis to provide financial transactions access platform to mobile clients.

Response to Arguments

4. Applicant's arguments filed 06/02/06 have been fully considered but they are not persuasive. The applicant argues in substance that the initial and subsequent communications through separate first and second ports is a necessary claimed

element of the present invention but is not suggested anywhere in the potter reference. This argument is predicated on the notion that Potter only discloses one port. First, Potter discloses initial and subsequent events (i.e., The FX Order Server regularly receives and monitors FX rates received directly from the Rate Server, and updates the Order Blotter accordingly 732. In turn, the client PC, when receiving the updated Order Blotter information from the FX Order Server, gives an audio and visual warning when an order is 3% away (subsequent events) from a target FX rate and changes the color-code. The warning is repeated when an order is 1% away (subsequent events), see col. 14 lines 10-25). Further, the step of establishing a communication port between a client and a server for a transaction i.e., to transmit data, and establishing another communication port (second communication port) for coupling server terminal to said client device to receive data can be implemented in any TCP/IP enabled full duplex data communication device, a full duplex transmission uses two communication channel (ports) so that devices on each end of the transmission can transmit and receive data at the same time, this is like two lane road i.e., travel is permitted in both directions, each direction of travel in a designated lane. Consequently, since Potter operates in a TCP/IP enabled full duplex communication environment (see fig. 1), inherently Potter transmits and receives data on two separate ports.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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